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The views expressed in the Roanoke Bar Review do not represent the policy or carry the endorsement of the Association unless specifically noted.

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## CELEBRATING 15 YEARS OF EXCELLENCE: CATHY CADDY, RBA EXECUTIVE DIRECTOR

BY LORI D. THOMPSON, ESQ.

At the Roanoke Bar Association's Annual Meeting in June, the Association recognized Cathy Caddy for fifteen years of outstanding service to the Roanoke Bar Association.

Cathy became Executive Director of the Association in 1997. During her tenure with the Association, its services and activities have grown exponentially under her leadership and dedicated service. The Association has organized dozens of programs designed to further the administration of justice and serve indigent populations in our Region – including the Bench-Bar Conference, *You and the Law*, *The Rule of Law*, Santa in the Square, Youth Court, *The Practice of Law in Southwest Virginia*, *Barrister Book Buddies*, the Mentor Program, and CLE programs. Cathy has helped organize, plan and lead many of these programs each year, often with minimal support from Association members. Meetings and programs run seamlessly due to Cathy's commitment and steadfast execution.



Cathy has played an equally significant role in the creation and development of the Roanoke Law Foundation, formerly known as the Roanoke Bar Association Foundation. The Foundation has awarded over \$130,000 in scholarships through the James N. Kincanon Scholarship program and supported many community and civic programs during the past fifteen years. As Executive Director of the Foundation, Cathy manages the scholarship program and provides leadership in all its fundraising efforts.

For both the Association and the Foundation, Cathy has played a vital role in ensuring their continuity and continuous improvement. While the person serving as President changes each year and Board Members rotate off the Board after serving their terms, the institutional memory is preserved through their Executive Director. During Board Meetings, Cathy is often called upon to explain the circumstances that gave rise to a certain policy or bylaw provision. Her knowledge has proven to be an invaluable asset to the Association's and the Foundation's leadership.

Cathy is also the RBA's master communicator. She maintains the information on the RBA website, [www.roanokebar.com](http://www.roanokebar.com), sends regular emails to the membership regarding upcoming events and opportunities, registers attendees, and handles printing and distribution of invitations and program materials. In recent years, Cathy has done the layout for each issue of the Roanoke Bar Review, as well as its distribution.



Past Association Presidents and current RBA Board Members were delighted to join in the recognition of Cathy at the Annual Meeting. Collectively, they contributed over \$1,200 towards a bonus which they presented to Cathy during the Annual Meeting, along with a Resolution (reprinted on page 6) - a small gift to recognize such a significant contribution to our Association.

Lori D. Thompson, President of the RBA in 2011-2012, is a Shareholder at LeClairRyan

## PRESIDENT'S CORNER

BY THOMAS H. MILLER, ESQ., PRESIDENT



As this long, hot, windy summer draws to a close, please join in my excitement for the new opportunities ahead in the 2012-2013 RBA year. It is my honor and pleasure to serve as your President, and, along with outstanding fellow officers and a Board of Directors filled with great ideas and enthusiasm for fulfillment of our mission, the RBA is going to have another award-winning year!

As we prepare to kickoff this new Bar year, mark your calendars to join us for our monthly luncheon meetings. We have great food, even better desserts, and interesting and informative programs. You will also learn about the outstanding community service projects we sponsor. In addition, you will have an opportunity to strengthen personal relationships with your colleagues in the Bar. The collegiality and civility we practice distinguishes our Bar and makes us the "Dream Team" of Bars in the Commonwealth. Let's keep up the tradition!

Plan to join us for one – or all – of our many community service projects, such as the Rule of Law Project (teaching a class of middle school students in Roanoke, Roanoke County or Salem), Barrister Book Buddies (reading to a class in Roanoke City elementary schools), Santa in the Square (children's Christmas party), a Red Cross Blood Drive, or a Community Day of Service Project (helping at a food bank), just to name a few.

For those lawyers new to practice in our community, we are reprising the program formerly known as the Practice of Law in the Twenty-third Circuit program to familiarize you with our Courts – both personnel and procedures. We promote a Mentor Match program to link experienced and new attorneys together to encourage professionalism and the best in legal services to the public. We need you to sign up, whether in need of mentoring or willing to mentor in order to be matched. Next spring, be on the lookout for the Bench Bar Conference. On Law Day, May 1, 2013, we will honor the best and brightest of our Association.

The RBA continues to offer excellent CLE programs – most of them live presentations – both free of charge or at greatly reduced rates to help our members acquire some of the needed credits to meet MCLE standards. You will learn from our excellent speakers and receive helpful materials. Look for our first offerings in September and October.

To promote even better collegiality, we will host social or happy hours. This is not just for the Young Lawyers Conference! The more senior members of the Bar are invited, too. Only through interactive exchanges, after hours, can we truly get to know one another and appreciate all the diversity the RBA has to offer.

There is much to do, and opportunities are many. But you can't sit on the bench. You have to huddle up and join the game. It will fulfill personal and community needs, and most of all, will be some of the best fun you will ever experience. Don't miss out!

Please stay abreast with what is going at the RBA by checking out our website and watching for informative emails. Our Executive Director, Cathy Caddy, does a great job providing us with information available at the click of a mouse. Follow us at [www.roanokebar.com](http://www.roanokebar.com). For more information about projects or opportunities to participate, please feel free to call me at 527-3510 or email me at [tmiller@franklmillerwebb.com](mailto:tmiller@franklmillerwebb.com); or call Cathy Caddy at 342-4905 or email her at [roanokebar@earthlink.net](mailto:roanokebar@earthlink.net).

Thomas H. Miller is a Partner at Frankl Miller & Webb, LLP

## VIEWS FROM THE BENCH: JUDGE WECKSTEIN

BY MICHAEL P. GARDNER

"But that's not how the other judges do it." The frequency with which that phrase is spoken is inversely proportionate to mental health of judges and practitioners alike. But there are many things, says Judge Clifford R. Weckstein, that the six judges of the 23<sup>rd</sup> circuit have deliberately agreed to approach in the same way, so that lawyers can have the same expectations, no matter who the judge is.



In a wide-ranging interview for this edition of Views From the Bench, Judge Weckstein highlighted some of those things. Judge Weckstein, the current chief judge of the circuit, is also the region's senior active circuit judge.

Because statutes have changed over the last few years, name changes in divorce suits can cause heartburn for a lawyer. All of the judges of the 23<sup>rd</sup> circuit, Judge Weckstein explains, agree on these things: A person who changed her name as a result of a marriage is entitled to restoration of a former name at the time the final divorce decree is entered, without jumping through the hoops of the nondivorce name-change statute (Code § 8.01-217). She does not need to file a name change application, or to present evidence to satisfy the requirements of that statute. The name change must be granted in a separate order—not in the final decree—and while the order must contain the party's current address and old and new names, it cannot contain any other "identifying information," such as a birth date, or the names of parents.

"The Roanoke Valley is a wonderful place to live and to practice law," Judge Weckstein said. "Mutual trust, professionalism, and civility still characterize practice in our area," he said, and local judges "are committed to keeping it that way."

The sort of behavior that is expected, Judge Weckstein said, is exemplified by a requirement of Rule 4:15 of the Rules of the Supreme Court: Counsel who files a hearing notice must certify, at the same time, that he or she has conferred, or made a good faith effort to confer, "with other affected parties in an effort to resolve the dispute without court action." Judge Weckstein noted that he and his colleagues interpret the word "confer" to mean that counsel must *talk*, not just trade e-mails.

He also noted that Rule 4:15, which governs motions in all circuit court civil cases, was adopted in 2000, but has been little noticed by the practicing bar. It would be prudent, he suggested, to be aware of all the provisions of that rule, since the judges of this circuit are increasingly likely to discuss those provisions during a hearing. Judge Weckstein believes that an increased focus on Rule 4:15 should be a welcome addition to the local motions practice, as it helps keep adversaries collegial and engaged—a topic discussed at length in the last Newsletter's Views From the Bench.

Since long before he came to the bar, Judge Weckstein said, local custom (and, in turn, local judges) have required that counsel coordinate "a mutually agreeable hearing date and time." That is now a part of Rule 4:15, he noted.

In a similar vein, he noted, all of the circuit and district judges are sensitive to local customs of civility that "lubricate the system, or at least eliminate unneeded friction." For example, Judge Weckstein noted, if someone needs extra time on a brief or pleading, opposing counsel's "answer is yes," unless the client genuinely would be prejudiced. "Counsel will not endear themselves" to the local judges, he said, if they make scheduling unnecessarily difficult, especially if they are not sensitive to the family concerns of other bar members.

Responding to questions recently raised, Judge Weckstein said that all of the judges of this circuit agree that guardians *ad litem* in infant settlements need not be on the Supreme Court's list of lawyers qualified

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## ROANOKE LAW LIBRARY NEWS AND INFORMATION

BY JOSEPH KLEIN, LAW LIBRARIAN



Impossible as it seems, summer is almost over, and what a crazy and wonderful time it was. In addition to the normal vacations and relaxation, of which I hope there were plenty, this summer we were treated to unreal weather events and long power outages. I don't know how many positives a week long power outage provides, but at least it prompted me to give my refrigerator a much needed clean out and scrub down. This accomplishment, in turn, prompted me to give the Law Library a much needed clean out, as well.

I am extremely lucky to have Daniel Mullen, a recent graduate of the Western New England University School of Law, volunteering in the Roanoke Law Library. Dan hopes to pursue a Masters Degree in Library Science and become a law librarian, and is graciously volunteering before he begins graduate school in the spring. With Dan's assistance, I have been able to undertake cleaning and shifting projects that would have taken me months to complete. One of those projects was the shifting and organizing of the Virginia Continuing Education sections, which was getting so overcrowded it was treacherous. We are eliminating some of the older CLE volumes from the collection, but are keeping them in case they would be of some interest to area attorneys. If you are interested in CLEs on popular subjects, most no more than five years old, please stop by and have a look.

### Bar Association Historical Display

For the past several years the Roanoke Law Library has been thrilled to host the Roanoke Bar Association's display of historical documents and photos in a beautiful oak and glass cabinet purchased by the RBA. Recently, Cathy Caddy has updated and rearranged the display. Please stop by and check out the new materials.



### Circulation of the Virginia Practice Series

Traditionally, the Roanoke Law Library collection has not circulated, the one exception being the Virginia CLE materials. Recently, we have begun circulating the West Nutshell series of books, and we will now begin circulating Virginia Practice series books published by West. The latest editions will still be reference items and will not be available for checkout, but all other editions will be available for checkout with a two-week loan period. This means the 2011 editions of such popular titles as **Family Law: Theory, Practice and Forms**, **Criminal Offenses and Defenses**, and **Civil Discovery** will be available for check out with your Roanoke Valley Library card.

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## RVLSA. . . THE ASSOCIATION FOR LEGAL PROFESSIONALS

BY BETTY C. MOORMAN-SWEAT, PP, PLS

Thank you so much for giving us the opportunity to tell you a little bit about our association. RVLSA is a tri-level professional association with national, state and local membership. The goals of the association are set forth in its Code of Ethics:

- Encourage** respect for the law and the administration of justice;
- Observe** rules governing privileged communications and confidential information;
- Promote** and exemplify high standards of loyalty, cooperation and courtesy;
- Perform** all duties of the profession with integrity and competence; and
- Pursue** a high order of professional attainment.

NALS, the national level of the association, offers several professional legal certifications: ALS – Accredited Legal Secretary; PLS – Professional Legal Secretary; and PP—Professional Paralegal. Professionals seeking one of these certifications must study for and pass an examination processed through the University of Oklahoma. These five-year certifications are available to association members and non-members alike and can be extended through continuing legal education.

VALS, the state level of the association, conducts quarterly meetings, including seminars and activities for members from all over Virginia. Members of RVLSA, the Roanoke Valley local chapter of the association, have been active in VALS. Kelly E. Hickey, PP, PLS, of Gentry Locke Rakes and Moore, is the current president of VALS, and the incoming president for next year is Heather M. Hale, PLS, of Woods Rogers.

RVLSA welcomes any legal professional, including secretaries, court clerks, assistants, paralegals, and attorneys. RVLSA conducts regular membership meetings on the third Thursday of each month—six noon meetings and six evening meetings, starting at 6:00 p.m., to accommodate the different types of programs we offer.

Every September, RVLSA hosts Bosses' Night. This event features dinner and entertainment, culminating with the presentation of the "Boss of the Year" and "Member of the Year." Individual members can nominate worthy candidates for these awards, and a vote of the entire membership determines the award recipients, which makes for an evening of surprises. Keep in mind—you cannot be "Boss of the Year" unless your secretary joins RVLSA and nominates you.

In October, RVLSA presents a Day in Court Mock Trial at the Roanoke City Court House, planned by the Roanoke City Commonwealth Attorney's Office and presided over by one of the 23rd Judicial Circuit Judges. We invite the area high school and college students to attend and participate as jurors. We serve refreshments before the trial begins. The Mayor of Roanoke is usually on hand to present us with a Proclamation for Court Observance Week and in particular, Legal Professionals Day. We receive a Proclamation from the Governor of Virginia as well. Teachers in the area now offer their students extra credit for attending and participating in the Mock Trial.

For the past several years, RVLSA has been able to provide a \$1,000 scholarship to two deserving students in the Roanoke Valley area. RVLSA members work hard all year to raise money to fund these scholarships, by working the concessions at the Roanoke Civic Center, working the registration table at Roanoke Bar Association meetings, holding raffles at the association's state-level meetings, and planning other fund raising projects throughout the year.

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## RVLSA . . . THE ASSOCIATION FOR LEGAL PROFESSIONALS

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RVLSA also has a Community Projects Program. Members choose six community organizations to support with donations. RVLSA community projects for this year are the SPCA; the Turning Point Shelter for Abused Women and Children; Interfaith Hospitality Network; the Carilion Brave Box; Care Packages for Our Troops; and the Teddy Bear Patrol. The Brave Box program encourages terminally ill children facing treatment by rewarding their bravery with the gift of a new toy. The Teddy Bear Patrol collects stuffed bears for police officers to give to child victims of traumatic situations they encounter, such as car wrecks, house fires, and abusive family circumstances. RVLSA collects donations for the Teddy Bear Patrol in lieu of a participation fee for the Mock Trial. As a result, high school and college students attending the trial event have to find creative ways to carry a teddy bear into the courthouse while still looking cool.

RBA members are welcome to attend RVLSA meetings and events, particularly Bosses' Night. For additional information, please contact RVLSA Vice President/Membership Chair, Faye Vucich at 540-527-3507 or RVLSA Secretary, Melinda Childress-Dearing, PP, PLS, at 540-983-9434.

*Betty C. Moorman-Sweat is President of the RVLSA and a Legal Assistant/Paralegal at McGraw Law, PC*

## ROANOKE LAW LIBRARY NEWS AND INFORMATION

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### Virtual Law Library

Another big project I hope to tackle in the next several months is to create what I am tentatively calling a Virtual Law Library to help attorneys and the public more easily locate necessary legal resources. As you may or may not know, our web page currently has a list of links to legal web sites that I use most often, such as the Code of Virginia and GPO's web page for the CFR. What I hope to create is something a little more useful with subject-specific pages showing important, freely available web pages, lists of books we have at the Law Library on the topic, as well as Westlaw databases you might want to search. This is obviously



something that is going to take some time to accomplish. I would love it if you all gave me some suggestions about topics you would like to see included or any helpful hints, tips, or useful web pages you commonly use. Please feel free to shoot me an email at [joseph.klein@roanokeva.gov](mailto:joseph.klein@roanokeva.gov) or call me at 853-2268 with any questions, suggestions, tips, or comments.

## VIEWS FROM THE BENCH: JUDGE WECKSTEIN

(Continued from page 2)

to serve in J&DR Court as guardians *ad litem* ("g.a.l."). Counsel are free, he said, to choose an appropriate lawyer to serve—and should make sure that the lawyer has agreed, before submitting the order of appointment. He noted, however, that in a some recent cases, judges of the 23<sup>rd</sup> Circuit have declined to enter appointment orders until they have met the lawyers to be appointed.

The judges agree, he said, that not every infant settlement requires a g.a.l. When should one be appointed? In cases in which the infant claimant is unrepresented, he said, a g.a.l. is necessary. Otherwise, no hard-and-fast rules exist, he said, although he perceives that all six circuit judges tend to approach the question similarly. The likelihood that the Court will require a g.a.l. probably increases with the size of the settlement, he said. In cases in which policy limits must be divided among worthy claimants—especially when they are represented by the same lawyer—a g.a.l. will be required. Also, in cases in which parents seek substantial sums for themselves, or want to manage the money payable to the child, the claimants' lawyer is well-advised to ask someone to serve as g.a.l., Judge Weckstein said. Also, when the infant wants cash from the settlement to (for example) buy a car, a g.a.l. aids both the court and the claimants' lawyer.

When a structured settlement or a trust is going to postpone the child's receipt of settlement funds beyond the age of majority, Judge Weckstein said, a g.a.l. is once again a good idea.

He also noted that the judges of the 23<sup>rd</sup> circuit are scrutinizing structured settlements more closely, to be sure that they comply with Code § 8.01-424(D)(4)'s requirement that the company responsible for making payments must be authorized to do business in Virginia and rated A+ or better by Best's Insurance Reports. Often, he said, insurance companies that are A+ rated assign their obligations to subsidiaries or sister corporations, not A+ rated. These companies buy annuities from other A+ rated companies—but the company obligated to make payment is unrated. When judges see this, he noted, the settlement is postponed, and everyone is unhappy.

One thing that can hold up the entry of divorce decrees, Judge Weckstein said, is failure to comply with technical requirements that decrees contain particular provisions. When parties have agreed on child support, for example, the decree must state the amount that would have been ordered under the statutory guidelines. All of the judges find themselves having to postpone entry of decrees—frustrating clients, and their lawyers—because of such omissions, he said.

Each of the six judges of the 23<sup>rd</sup> circuit, Judge Weckstein said, is willing to conduct judicial settlement conferences in cases pending in the circuit over which another judge is presiding. This has proven useful on a number of occasions, saving aggravation and expense for parties and counsel. (The judges conduct "judicial settlement conferences," but not mediations, he explains, because Virginia's judicial canons prohibit active judges from serving as mediators.) As many lawyers are aware, the Supreme Court of Virginia now has a judicial settlement conference program, in which retired judges, trained in mediation skills, conduct settlement conferences at no cost to the parties. So far, Judge Weckstein says, local lawyers seem to be "more than pleased" with the time and efforts devoted by the Supreme Court-designated retired judges.



Besides, Judge Weckstein noted, when a retired judge succeeds in bringing the parties to an amicable settlement, no one has the opportunity to complain that "that's not how the other judges do it."

*Michael P. Gardner is an Associate with LeClairRyan*

# The McCammon Group

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HON. LAWRENCE L. KOONTZ, JR. (RET.)



**Hon. Larry B. Kirksey (Ret.)**

Retired Judge,  
28th Judicial Circuit Court of Bristol, VA

Larry Kirksey recently retired after more than eight years of distinguished service to the 28th Judicial Circuit and two years as Commonwealth's Attorney for the City of Bristol. Preceding his service to the bench and the Commonwealth, he enjoyed a broad civil litigation practice representing both plaintiffs and defendants throughout southwestern Virginia for thirty years. During that time, he served terms as President of the Bristol Bar Association and as a City Councilman for Bristol. An accomplished mediator and arbitrator, Larry was a Member of The McCammon Group from 1998-2002 before beginning his public service career. Now, upon his retirement from the bench, he rejoins The McCammon Group and brings his diverse skills and experience to serve the mediation, arbitration, judge pro tempore, and special master needs of lawyers and litigants throughout the Commonwealth and beyond.



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HON. WILEY R. WRIGHT, JR. (RET.)



**A RESOLUTION RECOGNIZING FIFTEEN YEARS OF OUTSTANDING SERVICE TO  
THE ROANOKE BAR ASSOCIATION BY CATHERINE L. CADDY**

**WHEREAS**, Catherine L. "Cathy" Caddy has served as Executive Director of the Roanoke Bar Association since 1997; and

**WHEREAS**, Cathy has overseen an exponential increase in Association services and activities and has been instrumental in every activity and event since she accepted a position with the Association and;

**WHEREAS**, during her tenure she served fifteen very grateful presidents, acting as both the Association's institutional memory and its most tireless and dedicated supporter; and

**WHEREAS**, Cathy has served and improved the Roanoke community by helping establish and maintain numerous service programs, such as Barrister Book Buddies, Santa in the Square, Senior Citizen Law Day Seminar, You and the Law Public Education Program, and the Rule of Law Project; and

**WHEREAS**, she has also served with high distinction as the Executive Director of the Roanoke Law Foundation (formerly known as the Roanoke Bar Association Foundation) and has played a vital role in the Foundation's award of over \$130,000 in scholarships through the James N. Kincaid Scholarship program and other grants for community and civic purposes; and

**WHEREAS**, during her tenure the Association and the Foundation have been repeatedly recognized by the Virginia State Bar and Conference of Local Bar Associations for their many outstanding programs and community service events; and

**WHEREAS**, neither the Association nor the Foundation would be the organizations that they are today without Cathy's continuous and dedicated stewardship;

**NOW, THEREFORE, BE IT RESOLVED** that the Roanoke Bar Association expresses its gratitude to Cathy Caddy for fifteen years of outstanding service to this Association and thanks her for her leadership, dedication, and strong commitment to the mission of this Association; and

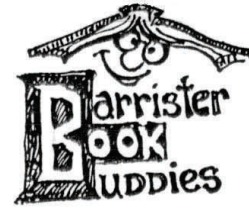
**BE IT FURTHER RESOLVED** that a copy of this Resolution be spread in the Minute Book of this Association, and a copy forwarded to Catherine L. Caddy to communicate the esteem in which the Roanoke Bar Association holds her and her service, and the Association's gratitude for her contribution to this Association.

**GIVEN** under the hands of the President and Secretary of the Roanoke Bar Association and the seal of the Association this 12<sup>th</sup> day of June 2012.

*Yuri D. Thompson*  
President, Roanoke Bar Association

TESTE:

*Stephen W. Reno*  
Secretary, Roanoke Bar Association



We are working with Roanoke City Public Schools to plan the 13th year of Barrister Book Buddies and will soon be asking for volunteers. Please consider joining this award-winning program and agree to read to a classroom for at least one hour each month.

Watch your email for details and information on how to register. We would greatly appreciate your help in continuing this worthwhile program . . . plus, you are guaranteed to have a great time!

Dynamic solo Roanoke attorney with full caseload seeks to join Roanoke area law firm. Attorney possesses almost 15 years of trial experience, both civil and criminal with current emphasis in family law and ADR. Willingness to expand into other practice areas. All inquiries will be held in strictest confidence.

Please reply to [roanokevalaw@gmail.com](mailto:roanokevalaw@gmail.com)

# ANNOUNCEMENTS

## NEW MEMBERS

The Roanoke Bar Association welcomes the following new Active Members:

**Margaret E. R. Hannapel**  
Commonwealth Attorney's Office

**James A. Steele**  
The Law Office of James Steele

## CLE CONFERENCES

RBA members are getting an additional member benefit in 2012-2013 – the opportunity to receive four (4) hours of CLE credit at no cost. Mark your calendar for the upcoming CLE conferences.

### **September 14**

Handling Section 1983 Civil Rights Cases in Federal Court

### **October 2**

UPL, MDP and MJP (Defining What Lawyers Do and Where They Can Do It); Part 1

Go to the RBA web site at [www.roanokebar.com](http://www.roanokebar.com) to register and watch for updates on future CLE conference information.

## UPCOMING EVENTS

### **Roanoke Bar Association Meetings 2012- 2013**

September 11, 2012

October 9, 2012

November 13, 2012

December 11, 2012

January 8, 2013

February 12, 2013

March 12, 2013

April 9, 2013

June 11, 2013

### **RVLSA . . . the association for legal professionals**

47th Annual Bosses' Night  
September 25, 2012

### **Salem/Roanoke County Bar Association**

Fall CLE Seminar  
October 11, 2012

Go to [www.roanokebar.com](http://www.roanokebar.com) for more information on all upcoming events.

## OFFICERS:

Thomas H. Miller President	527-3510
Stephen W. Lemon President-Elect	982-1000
Richard C. Maxwell Secretary-Treasurer	983-7628
Lori D. Thompson Past President	510-3011
Catherine L. Caddy Executive Director	342-4905

## BOARD OF DIRECTORS:

Wade T. Anderson	725-3375
David N. Cohan	983-9395
Linda L. Gustad	857-5100
Aaron B. Houchens	983-7734
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Fax: (540) 342-1252 Email: [roanokebar@earthlink.net](mailto:roanokebar@earthlink.net)

